

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

DARYAL THOMAS NELSON, JR., #6781

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:09cv59-HTW-LRA

MR. CHRISTOPHER EPPS,  
MRS. MARILYN PHILPOT,  
MR. FRANKLIN BREWER  
and MRS. ALICIA BOX

DEFENDANTS

**FINAL JUDGMENT**

This cause is before the Court, sua sponte, for consideration of dismissal. Pursuant to the memorandum opinion and order issued this day, it is hereby,

ORDERED AND ADJUDGED that the Plaintiff's claim pursuant to 42 U.S.C. § 1983 is dismissed with prejudice for failure to state a claim, see 28 U.S.C. § 1915(e)(2)(B)(ii), counting said dismissal as a strike in accordance with 28 U.S.C. § 1915(g), and without prejudice as to habeas claim relating to the calculation of his sentence.

This the 18th day of June, 2009.

s/ HENRY T. WINGATE  
CHIEF UNITED STATES DISTRICT JUDGE